

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

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MAR 27 1998

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

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Closed Captioning and Video)

MM Docket No. 95-176

Description of Video Programming)

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Implementation of Section 305 of)

the Telecommunications Act of 1996)

)

Video Programming Accessibility)

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Reply Comments of
Telecommunications for the Deaf, Inc.
to Further Notice of Proposed Rule making

I. Introduction

Telecommunications for the Deaf, Inc. (TDI) hereby submits reply comments in response to the commentaries of the Federal Communications Commission's (FCC) Further Notice of Proposed Rule making (FNPRM) on Closed Captioning and Video Description, released January 14, 1998.

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TDI is a national educational and advocacy organization representing people who are deaf, hard of hearing or speech disabled of all ages. Through a national home office stationed in Silver Spring, Maryland, TDI strives to enable the 28 million people with hearing disabilities and 14 million people with speech disabilities to participate fully in mainstream society in the areas of telecommunications, information, and entertainment. Captioning is the critical link to accessing all manners of televised programming.

TDI applauds the current FCC's commitment to public safety concerns employing closed captioning. Following are our reply comments.

II. The Need for Captioned Access to Broadcasted Emergency Information Has Been Documented

Several commentaries raised questions about the need for additional Commission rules for emergency information Broadcasted by the industry. Clearly, the sentiments of the comments from industry show that they do not want further regulations. However, we are discussing public safety, and the lack thereof, for deaf and hard of hearing viewers. This issue goes higher than the economics such a Commission rule will invoke.

Numerous commentaries shared personal stories of hardship endured, and danger faced, and pointed out the failings of the industry to address the issue of public safety sufficiently.

III. The Cost of Remote, Real-Time Captioning is Insignificant, and Can be Further Addressed by Means of the Rebate System Proposed by TDI.

It is not the wish of TDI to force low revenue providers off the air. For this reason, TDI proposed the rebate system in the comments phase of this *Further Rulemaking*, to provide a way for all providers to ensure the public safety of not only the deaf and hard of hearing, but also those persons in their charge, such as children, and elderly parents. The rebate system, in summary, is:

"the rules that state that once a provider has spent 2% of its gross annual revenues on captioning, no further money need be spent on captioning (II.13). TDI strongly encourages the FCC to suspend this rule to ensure the provision of emergency programming closed captions. The FCC has established guidelines for limits of 2% of gross revenues from eligible providers, and 0% from small providers, creating a class waiver which is unbalanced (II.14). TDI proposes an across the board charge on all gross revenues of all providers, say 0.05% or 0.075%, paid into a fund administered by the FCC. From this fund, rebates for emergency captioning costs are made available to those low-power television stations and small cable operations earning under 1 million dollars in gross revenues per year. Seventy-five percent of their costs for providing emergency programming closed captioning is rebated, while 50 percent of the emergency captioning costs for those small entities earning from 1 million to 3 million in gross revenues is rebated from this fund. Twenty-five

percent of emergency captioning costs is rebated to those entities that earn between 3 million and 11 million in gross revenues. Those earning over 11 million in gross revenues would not be entitled to rebates, except where their costs for providing emergency closed captioning alone would put them above and beyond the maximum 2% threshold rule for all captioning as previously established by the FCC. This proposal creates no class waivers, spreads the costs equitably, and ensures the essential access to emergency information for all viewers, 365/366 days a year. These figures are used for illustrative purposes only, with actual amounts and percentages to be determine by analysis of estimated needs and costs."

A number of industry commentaries ridiculed the Commission for the *Further Notice*, saying that just six months into the passage of the prior Commission rules on Closed Captioning, it was premature to seek further comments, for surely nothing has changed in terms of availability of real time captioners, or the rates charged by them. They also stated that remote captioning was not a feasible option. One commenter, Cedar Rapids Television (KCRG-TV), claims that a Commission rule would cost between \$152,880 to \$3,180,000 to implement, and goes on to say that such a rule will bankrupt 78 percent of the United State's television stations.

The comments of Caption Colorado, however, shows that there is indeed sufficient personnel available, and rates have decreased to a flat \$120 an hour for all types of remote, real-time captioning. The rapid pace of technological change has made it possible to revisit this issue. The Commission was indeed correct to raise this important

question now, despite the short period of time since the release of prior rules on the subject.

This same rapid change in technology is also making the prospect of "speech recognition captioning" a very real possibility. TDI urges the Commission to seek comments from qualified experts in the field who are on the cutting edge of Speech Recognition technology. TDI, California Broadcasters, NAD, and Stravos proposed in the comments phase of this *Further Notice* that the FCC look towards captioning possibilities using voice recognition technologies. As the California Broadcasters stated: "The Commission may want to explore the technological viability of a station using internal voice recognition software to convert a live broadcast to closed captions." NAD suggested: "It may be possible, in the future, for stations to simply assign a qualified employee to read emergency information, while that information is simultaneously transmitted in captions through a speech recognition program."

Of Course, speech recognition may be employed only when the technology has advanced to the point of near 100 percent accuracy. The FCC must be convinced that the possible error rate utilizing speech recognition does not fall below the error rate of using humans and real-time captioning now.

IV. Emergency Programming Should Take Precedence Over Regular Programming

Under the FCC's closed Captioning Order, emergency programming would follow the same timeline as all regular programming, which puts the lives of deaf and hard of hearing viewers in danger for an additional 8 years. With the networks having broad discretion upon what programming is captioned, they may well put this considerably low on their priority lists. TDI urges the FCC to correct this deficiency, and require utmost priority towards the captioning of all emergency programming, regardless of other benchmarks established by the FCC previously. TDI supports the NAD's suggestion of establishing November 1, 1998 as a reasonable and prudent deadline for suppliers to be in compliance.

We appreciate the opportunity to comment on this very important issue and thank the FCC for their commitment to equal access to emergency information for all Americans.

Respectfully submitted,

A handwritten signature in cursive script that reads "Claude L. Stout".

Claude L. Stout

Executive Director, TDI

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